

Remarks

Claims 1-10 are pending in this application. Claims 1, 3, 5, 7, 9, and 10 are amended. No new matter has been added by these amendments.

Applicants wish to express their appreciation to Examiner Bottorff for the courtesies extended during the telephonic interview of August 15, 2006. Applicants believe the Examiner's comments will advance the prosecution of this application.

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. The Examiner stated that the meaning and scope of the term "secure" is not clear in the claims. Applicants have amended claims 1, 3, 5, 7, 9 and 10 to indicate that the parts are directly secured by the use of the term "fastened." As the Examiner pointed out, "in the event that 'secured' is intended to define a direct connection, the direct connection between the accessory tray and the top surface of the base portion, as defined in claim 1, is not disclosed in accordance with 35 U.S.C. § 112, first paragraph and is not depicted in the figures." Applicants have removed the term "top surface" from claim 1 and have inserted "by a lower support securing flange" to indicate where the fastening occurs. Claims 2-4 depend from claim 1; claims 6-8 depend from claim 5 and are patentable with regard to 35 U.S.C. § 112, second paragraph, for the same reasons as claims 1 and 5, respectfully.


In addition, claim 5 is rejected under 35 U.S.C. § 112, second paragraph, as being unclear as to which of two transversely extending portions the battery tray is secured. Applicants have removed the term "transversely" from and added the term "longitudinally" to claim 5. Applicants submit that the claims as amended are now in condition for allowance with regard to 35 U.S.C. § 112, second paragraph, and respectfully request a Notice to that effect.

Claims 1, 3, 4, and 9 are rejected under 35 U.S.C. § 102(e) as anticipated by Wu U.S. Patent No. 6,699,616. Applicants have amended claim 1 to include elements of upstanding walls and have indicated that the accessory tray is directly fastened to the side wall. In Wu, the battery housing is not secured by the side walls. Applicants have amended claim 9 to indicate that the battery tray is fastened to the side wall supports. Applicants respectfully request reconsideration of the patentability of claims 1 and 9 in view of the amendments. Claims 3-4 depend from claim 1 and should be patentable for the same reasons as claim 1. In claim 3, Applicants have additionally clarified the location to which the base portion is fastened. Applicants submit that the claims as amended are now in condition for allowance with regard to 35 U.S.C. § 102(e) and respectfully request a Notice to that effect.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu U.S. Patent No. 6,699,616 in view of Beckman U.S. Patent No. 6,769,178. The Examiner acknowledges that Wu does not disclose the tubular frame members that are manufactured through the hydroforming process. The Examiner seeks to remedy this deficiency by citing Beckman teaching the desirability of forming tubular frame members by hydroforming. The Examiner concludes it would have been obvious to one of ordinary skill in the art at the time that the invention was made to form the tubular members of Wu by hydroforming. As remarked above, Applicants have amended the claims to include upstanding walls which are not an element of Wu. Applicants have also amended the claims to indicate that the elements are directly fastened to the side wall. Wu does not disclose direct fastening to the side wall. Therefore, Wu does not have all the elements disclosed in the amended claims. Wu in view of Beckman, therefore, does not have the elements of Applicants' invention. Applicants submit that claim 2 with amendments to claim 1 is now in condition for allowance with regard to 35 U.S.C. § 103(a) and respectfully request a Notice to that effect.

If the Examiner believes that further discussion would advance the prosecution of this application, the Examiner is highly encouraged to telephone Applicants' attorney at the number given below at the Examiner's convenience.

Respectfully submitted,
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